

AFFIDAVIT OF NON-PAYMENT AND NON-PRODUCTION

STATE OF WEST VIRGINIA §
 § *KNOW ALL MEN BY THESE PRESENTS:*
COUNTY OF MARSHALL §

BEFORE ME, the undersigned, a Notary Public in and for the State of Florida, on this day personally appeared Reva Franze, to me well known to be a credible person of lawful age, and who, after being by me first duly sworn, on her oath did state:

"On or about March 2007, I, Reva Franze, ("Lessor"), signed an Oil and Gas Lease ("Lease") with TriEnergy, ("Lessee"), covering the following described lands in Franklin District, Marshall County, West Virginia:

222.18 acres, more or less, described as Map 14, Parcel 13, and bound substantially by lands now or formerly owned as follows:

On the North by: Lionel Perisinger & Earl Clouser
On the East by: Dunn-Formerly Henry P. Yoho
On the South by: Joe E. Blattler & John Tyler
On the West by: Blattler & William Hamilton;

And being the same land described as First Parcel in that Deed dated December 6, 1994, by and between Russell Blake and Ralph Danny Hoyt, recorded in Volume 581, Page 214 of the Deed Records of Marshall County, West Virginia ("Lands").

Under the provisions of said Lease, I was entitled to receive a monetary payment ("Bonus Payment") as consideration for the Lease, otherwise the Lease would be rendered null and void. I hereby swear that, as of today, I have NEVER received any Bonus Payment for the Lease.

Also, to the best of my knowledge there have been no recent drilling or development operations of any kind or nature whatsoever on said Lands, there has never been any production of oil or gas on said Lands, and said Lands are not currently included in any existing units which could, in any way, be perpetuating previous Oil and Gas Leases.

JAN PEST
MARSHALL County 03:21:18 PM
Instrument No 1248630
Date Recorded 01/28/2008
Document Type O&G
Book-Page 666-57
Rec/Preserve \$8.00 \$1.00

NOW, THEREFORE, I HEREBY DECLARE THE LEASE COVERING THE LANDS STATED HEREIN IS ON THIS DATE ABSOLUTELY NULL AND VOID.

FURTHER, Affiant sayeth not.

Reva Franze
Reva Franze

Subscribed and sworn before me this 25th day of JANUARY, 2008.

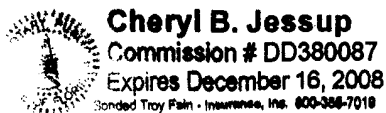


Cheryl B. Jessup
Notary Public in and for the State of Florida
My commission expires: 12/16/2008

ACKNOWLEDGMENT:

STATE OF FLORIDA §
 §
COUNTY OF MANATEE §

The foregoing instrument was acknowledged before me this 25th day of January, 2008, by Reva Franze.



Cheryl B. Jessup
Notary Public in and for the State of Florida
My commission expires: 12/16/2008

STATE OF WEST VIRGINIA, MARSHALL COUNTY, SCT.:

I, JAN PEST, Clerk of the County Commission of said County, do hereby certify that the annexed writing, bearing date on the 25th day of January, 2008, was presented for and by me, admitted to record in my office upon the above certificate as to the parties therein named this 28th day of January, 2008 at 3:21 o'clock P.M.

TESTE: Jan Pest Clerk.